

Regular Session, 2010

HOUSE BILL NO.

BY

FISHING/SHRIMP: Creates the Louisiana Shrimp Task Force within the Department of Wildlife and Fisheries

1 AN ACT

2 To enact R.S. 36:610(B)(11) and R.S. 56:10(B)(1)(b), 494, and 578.12(B); to create the  
3 Louisiana Shrimp Task Force within the Department of Wildlife and Fisheries; to  
4 provide for its membership; to provide for its powers, duties, functions, and  
5 responsibilities; to provide relative to funding; to provide relative to the Shrimp  
6 Marketing and Promotion Account and the Shrimp Trade Petition Account; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 36:610(B)(11) is hereby enacted to read as follows:

10 §610. Transfer of agencies and functions to Department of Wildlife and Fisheries

11 \* \* \*

12 B. The following agencies, as defined in R.S. 36:3, are transferred to and  
13 hereinafter shall be within the Department of Wildlife and Fisheries, as provided in  
14 R.S. 36:802.

15 \* \* \*

16 (11) The Shrimp Task Force (R.S. 56:494)

17 \* \* \*

18 Section 2. R.S. 56:56:10(B)(1)(b), 494, and 578.12(B) are hereby enacted to read  
19 as follows:

1           §10. Annual report to governor; estimate of proposed expenditures; particular funds;  
2                           warrants; vouchers; surplus funds

3   \*           \*           \*

4                   B.(1) Subject to the exception contained in Article VII, Section 9(A) of the  
5           Constitution of Louisiana, all funds collected by the commission from every source  
6           shall be paid into the state treasury and shall be credited to the Bond Security and  
7           Redemption Fund. Out of the funds remaining in the Bond Security and Redemption  
8           Fund after a sufficient amount is allocated from that fund to pay all obligations  
9           secured by the full faith and credit of the state which become due and payable within  
10          any fiscal year, the treasurer shall, prior to placing such remaining funds in the state  
11          general fund, conform to the following:

12   \*           \*           \*

13                   (b)(i) Pay annually into the Seafood Promotion and Marketing Fund, into a  
14           special account entitled the "Shrimp Marketing and Promotion Account", an amount  
15           equal to the fees collected pursuant to R.S. 56:305(G) and paid into the treasury by  
16           the commission. All expenditures and allocation of funds from this account shall be  
17           administered jointly by the Louisiana Seafood Promotion and Marketing Board and  
18           the Louisiana Shrimp Task Force to be used for the development of markets for  
19           shrimp and creation of marketing strategies for the development and market  
20           expansion for shrimp harvested from Louisiana waters.

21                   (ii) Pay annually into the Conservation Fund, into a special account entitled  
22           the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant  
23           to R.S. 56:305(H) and 506.1. Subject to annual appropriation by the legislature, the  
24           monies in the fund shall be used exclusively for the purposes of promotion and  
25           protection of domestic wild-caught shrimp. For purposes of this Item, promotion and  
26           protection of domestic wild-caught shrimp shall include expenses related to the  
27           petition filed by the Southern Shrimp Alliance in December 2003 for the imposition  
28           of anti-dumping duties pursuant to Section 731 of the Tariff Act of 1930, as  
29           amended. All expenditures and allocation of funds from this account shall be

administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Shrimp Task Force. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns on such investment shall be deposited to the account. All unexpended and unencumbered monies remaining in this account at the end of the fiscal year shall remain in the account.

\* \* \*

§494. Louisiana Shrimp Task Force

A. There is hereby established the Shrimp Task Force to study and monitor the shrimp industry and to make recommendations to the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries and other state agencies for the maximization of benefit from that industry for the state of Louisiana and its citizens.

B. The task force shall be composed of members to be appointed as follows:

(1) The governor, or the governor's designee.

(2) Three members appointed by the secretary of the Department of Wildlife and Fisheries -- one of whom shall be a marine biologist, one of whom shall be an enforcement agent, and one of whom shall be an economist.

(3) The Commissioner of the Agriculture, or the commissioner's designee.

(4) The secretary of the Department of Health and Hospitals, or the secretary's designee.

(5) Three members and three alternate members appointed by the governor each of whom possesses a commercial fisherman's license with a "certified" endorsement pursuant to R.S.56:303(E), with four to be selected from a list of six nominees submitted by the Louisiana Shrimp Association and two to be selected from a list of six nominees submitted by the secretary of the Department of Wildlife and Fisheries.

(6) One member appointed by the governor who is an active Louisiana dock buyer of shrimp.

1                   (7) Three members and three alternate members appointed by the governor  
2                   who are active Louisiana shrimp processors, at least one of whom is selected from  
3                   a list of three nominees submitted by the American Shrimp Processors Association.

4                   C. The members appointed under the provisions of Paragraphs (B)(1) through  
5                   (4) of this Section shall be nonvoting members. In addition, they shall not be  
6                   considered members of the task force for determination of the number of members  
7                   necessary for a quorum and for establishing the presence of a quorum.

8                   D. The task force shall adopt bylaws under which it shall operate, and four  
9                   voting members of the task force shall constitute a quorum sufficient to conduct  
10                  meetings and business of the task force. The task force shall elect a chairman from  
11                  its membership and may seek and receive assistance from universities within the  
12                  state in the development of methods to increase production and marketability of  
13                  shrimp. The members of the task force shall serve without compensation; however,  
14                  the task force may receive the same reimbursement of travel expenses for attending  
15                  the meetings as is allowed for other state employees' travel.

16                  E. The task force is hereby charged with responsibility to do the following:

17                  (1) Coordinate efforts to increase shrimp production and marketability.

18                  (2) Provide for the study of the decline in shrimp marketability and market  
19                  price, provide for the study of the impacts of imported shrimp on the domestic  
20                  market, assist in the development of a state shrimp inspection program, assist in the  
21                  development of a Louisiana shrimp certification and branding program, and make  
22                  recommendations to the Wildlife and Fisheries Commission and the Department of  
23                  Wildlife and Fisheries, the Department of Natural Resources, the Department of  
24                  Agriculture and Forestry, and the Department of Health and Hospitals for  
25                  implementation of policies to help enhance the domestic shrimp industry.

26                  (3) Make recommendations with respect to issues pertaining to the shrimp  
27                  industry and shrimp production to the various state agencies charged with  
28                  responsibility for differing elements of the shrimp industry in this state, including the  
29                  Department of Wildlife and Fisheries, the Department of Natural Resources, and the

1 Office of Coastal Protection and Restoration, the Department of Health and  
2 Hospitals, the Department of Agriculture and Forestry, and the legislature.

3 F. The activities of the Shrimp Task Force shall be funded through the  
4 Shrimp Marketing and Promotion Account of the Seafood Promotion and Marketing  
5 Fund (R.S. 56:10(B)(1)(b)(i)) and the "Shrimp Trade Petition Account" (R.S.  
6 56:10(B)(1)(b)(ii)).

7 \* \* \*

8 §578.12. Louisiana Seafood Promotion and Marketing Board; Louisiana Oyster  
9 Task Force; Shrimp Task Force; duties, responsibilities, and functions

10 \* \* \*

11 B. In addition to the duties, responsibilities, and functions listed in  
12 Subsection A, the Louisiana Seafood Promotion and Marketing Board, under the  
13 supervision of the Louisiana Shrimp Task Force, shall also be empowered with the  
14 following duties, responsibilities, and functions:

15 (1) Develop markets and marketing strategies for the development and  
16 expansion of markets for shrimp harvested from Louisiana waters.

17 (2) Administer the funds in the Shrimp Marketing and Promotion Account  
18 of the Seafood Promotion and Marketing Fund and the "Shrimp Trade Petition  
19 Account", which funds shall be used to create new markets for shrimp and promote  
20 the sale of shrimp harvested from Louisiana waters.

21 (3) To represent the interests of the Louisiana shrimp industry before federal  
22 and state administrative and legislative bodies on issues of importance to the  
23 Louisiana shrimp industry.

24 (4) To contract for legal services to represent the interests of the Louisiana  
25 shrimp industry in judicial, administrative, and legislative proceedings.

26 (5) To perform any acts deemed necessary and proper to carry out its duties  
27 and responsibilities.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB No.

**Abstract:** Creates the Louisiana Shrimp Task Force within the Dept. of Wildlife and Fisheries and provides for its powers, duties, functions, responsibilities, and funding.

Proposed law creates the Louisiana Shrimp Task Force within the Dept. of Wildlife and Fisheries to consist of the following appointments:

- (1) The governor, or his designee.
- (2) Three members appointed by the secretary of the Dept. of Wildlife and Fisheries -- a marine biologist, an enforcement agent, and an economist.
- (3) The Commissioner of the Agriculture, or his designee.
- (4) The secretary of the Dept. of Health and Hospitals, or his designee.
- (5) Three members and three alternate members appointed by the governor each of whom possesses a commercial fisherman's license with a "certified" endorsement, four to be selected from a list of six nominees submitted by the Louisiana Shrimp Association and two to be selected from a list of six nominees submitted by the secretary of the Dept. of Wildlife and Fisheries.
- (6) One member appointed by the governor who is an active Louisiana dock buyer of shrimp.
- (7) Three members and three alternate members appointed by the governor who are active Louisiana shrimp processors, at least one of whom is selected from a list of three nominees submitted by the American Shrimp Processors Association.

Provides that the appointees representing state government agencies are nonvoting and are not part of a quorum. Provides for adoption of bylaws and election of officers. Prohibits compensation for appointees but authorizes reimbursement of expenses at the same rate as state employees. Charges the task force with responsibility to coordinate efforts to increase production and marketability; study the decline in shrimp marketability; assist in the development of a shrimp inspection program and branding program; and make recommendations to the Wildlife and Fisheries Commission and state departments and agencies for implementation of policies intended to enhance the domestic shrimp industry.

Provides for funding from the Shrimp Marketing and Promotion Account and the Shrimp Trade Petition Account, both in present law. Also provides for expenditures from both accounts to be administered jointly by the Seafood Promotion and Marketing Board and the Shrimp Task Force.

Present law established the Seafood Promotion and Marketing Board. Proposed law requires such board to consult with the Shrimp Task Force when engaged in activities related to the shrimp industry in the state. Further provides that the Seafood Promotion and Marketing Board has responsibility to represent the interests of the Louisiana shrimp industry before federal and state administrative and legislative bodies and to contract for legal services necessary to represent the interest of the shrimp industry in judicial, administrative and legislative proceedings.

(Adds R.S. 36:610(B)(11) and R.S. 56:10(B)(1)(b), 494, and 578.12(B))